



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 7, 2017
AGENDA DATE: September 13, 2017
PROJECT ADDRESS: 333 W Ortega Street (MST2016-00397)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jessica W. Grant, Acting Senior Planner *mw*
 Stephanie Swanson, Planning Technician

I. PROJECT DESCRIPTION

The 9,375 square foot parcel is currently developed with a two-story, 2,774 square foot, 4-unit apartment building and a detached 760 square foot, four-car garage. The proposed project involves the demolition of the existing garage, and a 2,017 square foot addition consisting of four new apartment units. The eight units on site will have an average size of 660 square feet, and will be developed under the Average Unit Size Density Incentive Program. The project will also include new covered parking, reconfiguration of the existing driveway off of Castillo Street, new landscaping, site walls, and other minor site work.

The discretionary applications required for this project are:

1. Interior Setback Modification to allow a second-floor deck to encroach 2 feet into the required 10-foot rear setback (SBMC §28.20.070 and SBMC§28.92.110) and
2. Open Yard Modification to allow the common outdoor living space to have less than the minimum dimensions required by code (SBMC §28.20.070, §28.21.081, and SBMC§28.92.110).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning.

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and conditions in Section V of this Staff Report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Trish Allen

Property Owner: John R. Whitehurst

Parcel Number: 037-113-001	Lot Area: 9,375 sq. ft.
General Plan: High Density Residential (28-36 du/ acre)	Zoning: R-4
Existing Use: Multi-Family Residential	Topography: 2%
Adjacent Land Uses:	
North – Multi-Family Residential (2-story)	East - Multi-Family Residential (2-story)
South - Single-Family Residential (1-story)	West – Single-Family Residential (1-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,774 sq. ft.	4,791 sq. ft.
Garage (7 parking spaces in stackers and 1 ADA space)	760 sq. ft.	1,538 sq. ft.

C. PROPOSED LOT AREA COVERAGE

Building: 2,387 sf 25%	Hardscape: 3,362 sf 36%	Landscape: 3,626 sf 39%
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IV. DISCUSSION

The proposed project involves the addition of four dwelling units consistent with the City's Average Unit Size Density Incentive Program. The existing garage will be demolished and eight parking spaces will be located in a newly proposed garage and aided by parking stacker mechanisms. The subject property is located on the corner of Ortega and Castillo Streets and as a result, is subject to two front setbacks. The applicant is requesting two modifications: an interior setback modification to allow a second-story deck to encroach into the required 10-foot interior setback, and an open yard modification to allow the common open space to be provided in an area that does not meet the minimum dimension requirement.

This is an Average Unit Size Density (AUD) Incentive Program Priority Housing development allowing a density of 37-63 dwelling units per acre. The proposed eight units represents a density of 38 dwelling units per acre. The maximum average unit size allowed is 970 square feet, 660 square feet is proposed. In addition to the required eight vehicular parking spaces, eight bicycle parking spaces are required and located adjacent to the garage. The bicycle spaces will be revised per Transportation Planning staff's direction to be secured and covered in compliance with the ordinance. Transportation Planning staff have also preliminarily reviewed the proposed parking configuration. The maneuverability into the spaces appears to be functional; however, review of details such as the slope of the driveway and the specs of the parking stackers are to follow in the civil working drawings. Transportation Planning will continue to review the project to ensure consistency with all applicable parking development standards.

In order to qualify for the Priority Housing Overlay density incentives allowed under the Average Unit-Size Density Incentive Program, the owner of real property developed with Rental Housing

must record a written covenant, in a form acceptable to the City Attorney, by which the owner agrees to maintain the rental housing use for as long as the property is developed and maintained at the incentive densities.

Interior Setback Modification

Three of the four proposed new units will be on the second floor, above the covered parking. The exterior wall of the second floor meets the 10-foot setback requirement, but there is an uncovered deck that is proposed to encroach 2 feet into the setback. The dimensions of the proposed deck are 5'-6" wide and 9'-0" long. Without the two-foot encroachment, the deck would be reduced to 3'-6" wide, and will limit the functionality of the deck as open space. As proposed, the deck will be beneficial to the tenants of the apartment because it will provide some outdoor space that is directly accessible from the unit. The deck overlooks the parking lot of the adjacent property that serves the seventeen dwelling units at 620 Castillo, minimizing any issue relating to privacy between the properties. Staff is supportive of this request because the sightlines from the deck will look into the neighboring property's parking lot, and staff does not anticipate the encroachment to negatively impact the privacy of the adjacent property.

Open Yard Modification

The project proposes to provide outdoor living space in accordance with the Common Outdoor Living Space Method, which requires the common outdoor living space to consist of at least 15% of the lot area, and to have at least one area with 20-foot dimensions, when measured in perpendicular directions. While the proposal meets the 15% lot area requirement (1406 square feet is required and shown on the submitted plans), it does not meet the requirement to provide an area with 20-foot by 20-foot dimensions. The municipal code does not allow the area in front setbacks to be counted towards the common outdoor living space, and since the property is located on a corner it is constrained by two front setbacks. The presence of two front setbacks prevents the common outdoor living space from meeting the 20-foot by 20-foot size requirement. As proposed, the open yard falls 8 inches short of meeting the 20-foot requirement in one direction. Although the dimensions are not met, the area meets the purposes and intent of the ordinance because the distance that the dimension falls short of the 20-foot requirement is very minor. Additionally, there is usable open space contiguous to the designated common open area that cannot be counted towards the 20-foot by 20-foot area because it is located in the front setback.

Design Review

This project was reviewed by the Historic Landmarks Commission on three different occasions. On October 4, 2016 the Commission saw the project for the first time and found the size, bulk and scale to be appropriate, but asked the applicant to rework some details. The project was reviewed again on May 3, 2017 and the Commission found the proposed modifications to be aesthetically appropriate and did not pose consistency issues with the El Pueblo Viejo Design Guidelines or the Neighborhood Preservation Ordinance. The most recent review of the project occurred on July 26, 2017, during which the Commission reviewed a Phase 2 Historic Structures/Sites Report, which concluded that the impacts from the proposed project are less than

significant and that the implementation of the project would allow the subject property to maintain its eligibility for listing as a contributor to the proposed Castillo Street Historic District.

Environmental Review

The proposed project is within the scope of the 2011 General Plan and the Program Environmental Impact Report (EIR) analysis for the General Plan. The project is consistent with the anticipated development designated and analyzed by the Program EIR. Potential minor project environmental effects are addressed with existing development standards and regulations (e.g., design review, building code, construction regulations, storm water management provisions, and conditions, etc.).

Additionally, staff ran a Master Environmental Assessment report on March 21, 2017 to determine if project-specific significant impacts would occur. As the existing structure is a designated Structure of Merit Staff, staff required a Phase II Historic Structures/Sites Report (HSSR) to be reviewed and approved by the Historic Landmarks Commission (HLC). The report was accepted by the HLC on July 26, 2017. An archaeological report was previously produced for the subject parcel; therefore, staff indicated that standard conditions related to archaeological resources would be sufficient to address the unlikely event of archaeological discovery for the project. No significant project-specific impacts are anticipated.

Based on City Staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183 - Projects Consistent with the General Plan). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project. A decision-maker finding that the project qualifies for the §15183 CEQA determination is required.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds:

- A. Environmental Review (CEQA Guidelines §15183): The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183 based on city staff analysis and the CEQA certificate of determination on file for this project.
- B. The Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed encroachment of the deck into the interior setback is appropriate because it provides an outdoor living spaces that is directly accessible from the apartment unit. The encroachment is not anticipated to have a detrimental impact on the privacy of the adjacent property because the deck overlooks a parking lot.
- C. The Open Yard Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposal provides adequate lot area to meet the common outdoor living space, and the dimension that fails to meet the minimum distance requirement is so minor that it is negligible. Also,

the designated area is adjacent to front setback area which technically does not count towards the requirement, but is usable open space and negates the impact of not meeting the dimensional requirement.

Said approval is subject to the following conditions:

- A. Rental Housing. The owner of real property developed with Rental Housing in the Priority Housing Overlay must record a written covenant, in a form acceptable to the City Attorney, by which the owner agrees to maintain the rental housing use for as long as the property is developed and maintained at the incentive densities provided in SBMC Section 28.20, Average Unit-Size Density Incentive Program. (This is a requirement per the AUD Ordinance SBMC §28.20.060 D.3)
- B. Annual Resident Survey. For informational purposes only, all Average Unit-size Density Incentive Program projects in the Medium High and High Density and Priority Housing Overlay zones shall conduct an annual resident survey and report the following information for each unit to the Planning Division by December 31st of each year for the first eight years of the project, commencing the year the project receives occupancy clearance. The annual report for each unit shall include:
 - a. Net floor area.
 - b. Number of bedrooms.
 - c. Monthly rent (or condominium purchase price) and utilities.
 - d. Periods of vacancy.
 - e. Household size.
 - f. Current employment location of each adult resident by zip code.
 - g. Prior employment location of each adult resident by zip code.
 - h. Prior residence zip code for each adult.
 - i. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).

Exhibits:

- A. Site Plans (under separate cover)
- B. Open Yard Diagram
- C. Applicant's letter, dated August 7, 2017
- D. HLC Minutes, dated October 5, 2016, May 3, 2017, and July 26, 2017

Contact/Case Planner: Stephanie Swanson, Planning Technician
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4569

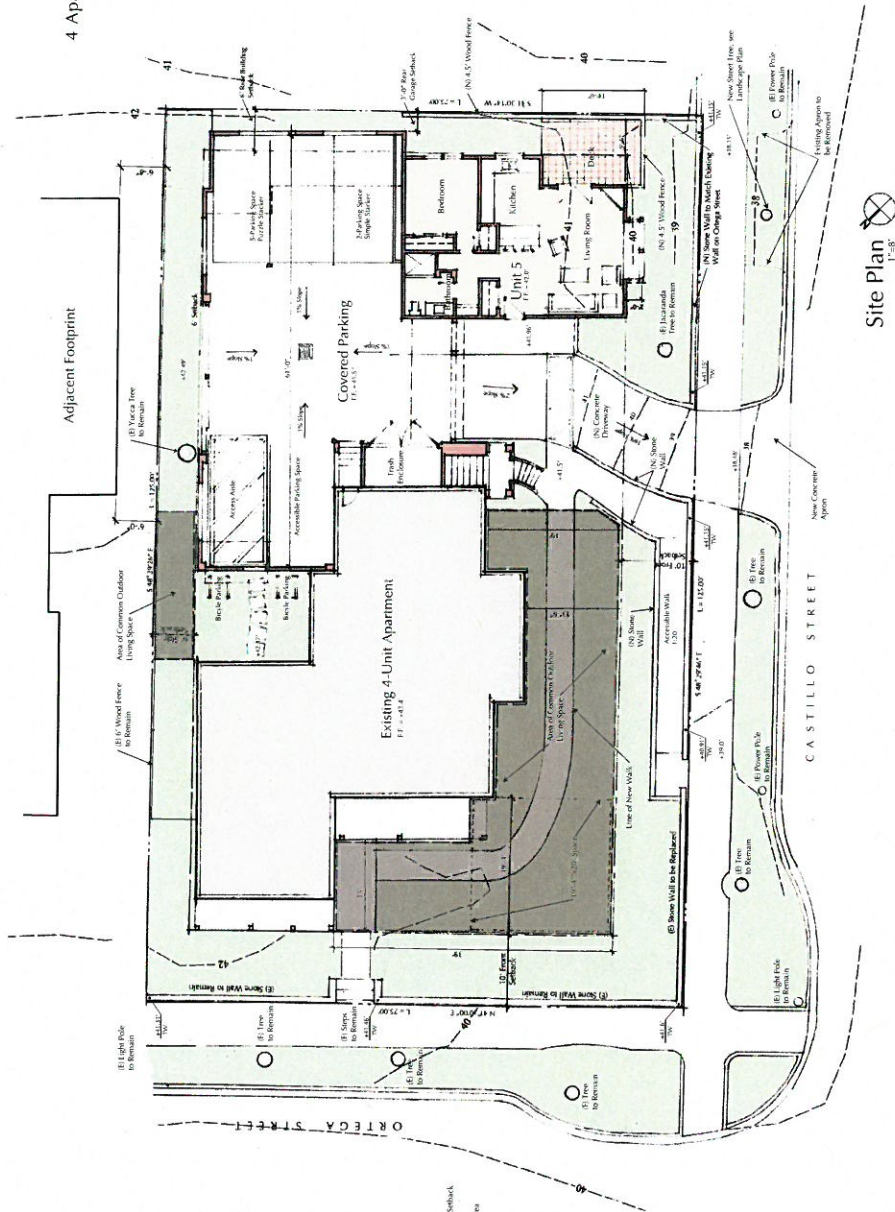


City of Santa Barbara California

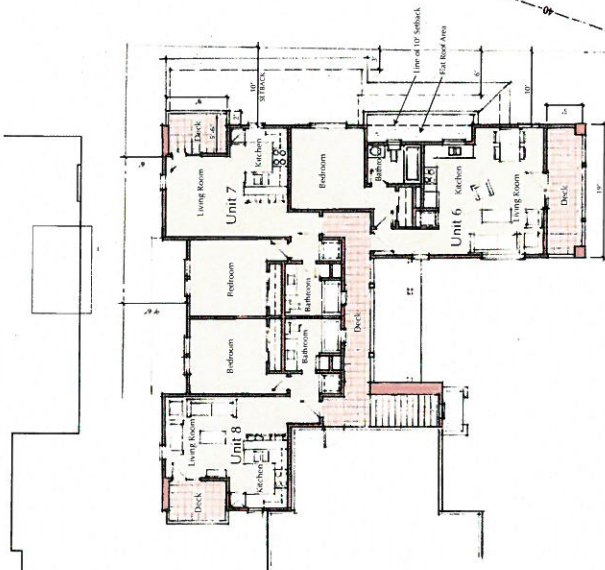
*** SEPARATELY DISTRIBUTED SITE PLAN ***

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

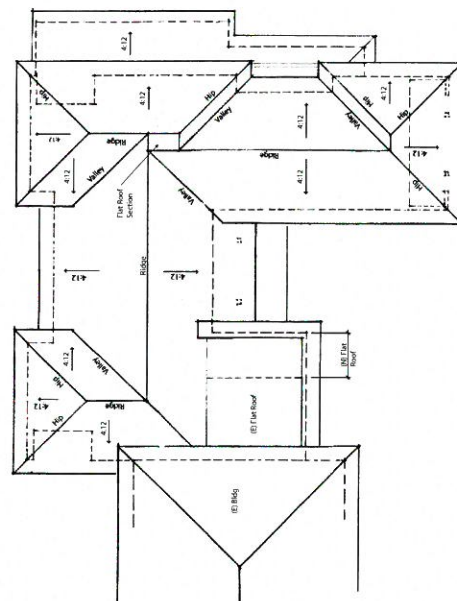
Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.



Site Plan
1:50



Second Floor Plan
1:16



Roof Plan
1:16



SUZANNE ELLEDGE

PLANNING & PERMITTING
SERVICES, INC.

7 August 2017

RECEIVED

AUG 07 2017

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Staff Hearing Officer
c/o Andrew Perez, Planning Technician II
Planning Division, Community Development
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

RE: 333 W. Ortega Street (APN 037-113-001) – MST2016-00397
Project Description/Applicant Letter

Dear Staff Hearing Officer

On behalf of the property owner, John Whitehurst, we are pleased to submit this Applicant/Project Description letter as part of our Zoning Modification request submittal materials.

I. General Site Information

The subject property is located at 333 W. Ortega, at the corner of Ortega and Castillo Streets in the pending Castillo Street Historic District – West portion of the City's downtown. The property is zoned R-4 Multiple Family Residential with a General Plan Land Use Designation of High Density Residential (28 - 36 du/acre) and with a High Priority Housing Overlay (37-63 du/acre). The gross and net lot area is approximately 9,375 square feet. The property is currently developed with a two-story four-plex and contains a detached four-car garage.

II. Project Description

The project proposes to create an eight (8) unit residential apartment consistent with the City's Average Unit Size Density program applying the high-priority housing density by adding four (4) additional units to the existing structure. The existing four (4) car garage is proposed to be demolished to make way for the new parking structure and the residential units. The unit sizes range from 466 SF to 1,025 SF with an average unit size of 660 SF. Other proposed improvements include new site work, reconfiguration of the existing driveway off of Castillo Street, landscaping, new street trees, and site walls. The project proposes two (2) zoning modification requests: one to allow a second-floor deck to encroach two (2) feet into the required 10-foot interior yard setback and the second to allow the common open yard area required dimension of 19'4" as compared to the required 20' dimension.

Please refer to the lot coverage and site data that is reproduced on the cover sheet of the project plans which summarizes the existing and proposed floor areas and the site plan that notes the requested zoning modifications.

EXHIBIT C

Historic Landmarks Commission

The project concept plans were presented to the Historic Landmarks Commission on October 5, 2016, May 3, 2017, and July 26, 2017. The HLC forwarded the project to the Staff Hearing Officer making positive aesthetic comments regarding the requested interior yard and common open yard zoning modifications in addition to overall positive comments regarding the proposed project. Additionally, the Historic Structures/Sites Report that was prepared to evaluate potential historic impacts was accepted by HLC on July 26, 2017.

Zoning Modifications & Justifications

Due to the property's location on a corner, W. Ortega and Castillo Streets, the site is constrained in that the property contains two front yards each with a 10-foot front yard setback. The proposed interior yard second-floor deck encroachment is relatively minor in nature in that it only encroaches two (2) feet into the required setback. The adjacent property to the south is developed with a residential apartment structure that contains a parking lot immediately adjacent to the proposed development. Therefore, the minor deck encroachment would not result in a negative impact to an adjacent land use.

The second zoning modification request involves the common open yard area development standard. The useable area located in the remaining front yard on both property frontages is compliant with the total area requirement, 15% of the total lot area or 1,406 SF; however, the minimum dimension standard of 20' x 20' is not met. Refer to the site plan that notes the 20' x 19'4" area within the total common space. We feel that this zoning modification request can be justified because the standard is nearly met and further because there is useable open space located in the front yard setbacks that technically cannot be counted toward meeting the dimension requirement.

In conclusion, we believe that the requested zoning modifications are minor in nature and can be justified for the reasons stated above. On behalf of the property owner, we thank you for the consideration of the proposed project.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.



Trish Allen, AICP
Senior Planner

CONCEPT REVIEW – NEW ITEM: PUBLIC HEARING**8. 333 W ORTEGA ST****R-4 Zone**

(5:15) Assessor's Parcel Number: 037-113-001
Application Number: MST2016-00397
Owner: John R. Whitehurst
Agent: Trish Allen, SEPPS
Architect: Tracy Burnell

(Proposal for additions and alterations to an existing four-unit apartment building using the Average Unit Density Incentive Program [AUD]. The project proposes the demolition of an existing 760 square foot detached four-car garage, and the construction of 2,017 square feet of first- and second-story additions comprising four new dwelling units. The project also proposes a 1,538 square foot attached garage that will provide eight covered parking spaces using mechanical parking stackers, and includes new landscaping, and 20 cubic yards of cut and fill grading to be balanced on site. The eight units on the property will have an average unit size of 698 square feet, and the proposed density will be 37 dwelling units per acre using the Priority Housing Overlay on a 9,375 square foot parcel with a General Plan Land Use Designation of High Density Residential, 28-36 dwelling units per acre. The total development on site will be 2,190 square feet. The project includes Staff Hearing Officer review for requested Zoning Modifications to allow a second-floor deck to encroach into the interior setback and for a common open yard area that does not meet minimum 20' x 20' dimensions. The existing structure is on the City's Potential Historic Resources List.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for requested Zoning Modifications.)

Actual time: 5:43 p.m.

Present: Trish Allen, Applicant; Tracy Burnell, Architect; and John Whitehurst, Owner

Staff comments: Mr. Limón stated that the Urban Historian has indicated she would like conceptual direction given to the applicant for this project.

Public comment opened at 5:55 p.m.

1. Debbie Hughey, adjacent neighbor, is concerned that the project seems large for the site and that its proximity to her building creates a privacy issue.
2. Kellam de Forest inquired about the height of the building and asked for information about the structure on the Potential Historic Resources List.

Public comment closed at 5:58 p.m.

Motion: Continued indefinitely with comments:

1. The overall massing seems compatible with the neighborhood.
2. The size, bulk, and scale are acceptable.
3. The architecture does not have Italianate style (asymmetrical, irregular) elements.
4. Rework the west elevation to be more Italianate in massing.
5. Do not emulate the style of the 2000 addition.
6. Study reducing the plate height of the second story; the Commission understands that the plate height on the first story accommodates the parking.

EXHIBIT D

7. Resolve the large opening into the covered parking, and try to address the appearance of a bridge; perhaps a porte cochere solution would work.
 8. Provide additional information on how the stacked parking will function, including noise generation.
 9. Study adding chimneys to break up the roofline.
 10. Study a different solution for the non-historic flat roof.
 11. Find a different location for the trash enclosure.
 12. Contact and work with the neighbors to reduce the visual impacts.
 13. Study increasing project amenities.
 14. The Commission is concerned about the decrease in the common open yard area.
 15. The Commission requests a site visit to evaluate neighborhood compatibility.
- Action: Orías/Drury, 8/0/0. (Shallanberger absent.) Motion carried.

**** MEETING ADJOURNED AT 6:25 P.M. ****

CONCEPT REVIEW - CONTINUED**9. 333 W ORTEGA ST****R-4 Zone****(3:10)**

Assessor's Parcel Number: 037-113-001
Application Number: MST2016-00397
Owner: John R. Whitehurst
Agent: Trish Allen, SEPPS
Architect: Tracy Burnell

(The structure is on the City's Potential Historic Resources List as contributing to the Castillo Street Historic District. Proposal for additions and alterations to an existing four-unit apartment building using the Average Unit-Size Density Incentive Program (AUD). The project proposes the demolition of an existing 760 square foot detached four-car garage, and the construction of 2,017 square feet of first- and second-story additions comprising four new dwelling units. The project also proposes a 1,538 square foot attached garage that will provide eight covered parking spaces using mechanical parking stackers, and includes new landscaping, and 20 cubic yards of cut and fill grading to be balanced on site. The eight units on the property will have an average unit size of 660 square feet, and the proposed density will be 37 dwelling units per acre using the Priority Housing Overlay on a 9,375 square foot parcel with a General Plan Land Use Designation of High Density Residential 28-36 dwelling units per acre. The total residential floor area is 4,791 square feet. The project includes Staff Hearing Officer review for requested Zoning Modifications to allow a second-floor deck to encroach into the interior setback and for a common open yard area that does not meet minimum 20' x 20' dimensions.)

(Second Concept Review. Comments Only; project requires Staff Hearing Officer review for the proposed zoning modification. Project was last reviewed on October 5, 2016.)

Actual time: 4:09 p.m.

Present: Tracy Burnell, Architect; Robert Adams, Landscape Architect; Trish Allen, Agent, SEPPS; and Tim Hazeltine, Historian, Post/Hazeltine Associates

Public comment opened at 4:28 p.m., and as no one wished to speak, it closed.

Motion: Continued indefinitely with comments:

1. The proposed modifications are aesthetically appropriate and do not pose consistency issues with El Pueblo Design Guidelines or the Neighborhood Preservation Ordinance.
2. The current proposal is an improvement to the previous design.
3. The size, bulk, and scale are appropriate to the historic resource and the neighborhood.
4. The Commission applauded the retention of the jacaranda tree and the significant landscaping on the site.
5. Restudy the west elevation, second-floor porch to be more compatible with the architectural style.
6. Concerns were expressed about the appropriateness of the proposed site walls and paving materials to the prime interpretive period of the historic resource.
7. Provide more information about the mechanical parking system, including cut sheet, motor noise, motor locations, and backup power.

Action: Mahan/Suding, 6/0/0. (Grumbine and Murray absent.) Motion carried.

CONCEPT REVIEW - CONTINUED**8. 333 W ORTEGA ST****R-4 Zone****(3:10)**

Assessor's Parcel Number: 037-113-001
Application Number: MST2016-00397
Owner: John R. Whitehurst
Agent: Trish Allen, SEPPS
Architect: Tracy Burnell

(The structure is on the City's Potential Historic Resources List as contributing to the Castillo Street Historic District. Proposal for additions and alterations to an existing four-unit apartment building using the Average Unit-Size Density Incentive Program (AUD). The project proposes the demolition of an existing 760 square foot detached four-car garage, and the construction of 2,017 square feet of first- and second-story additions comprising four new dwelling units. The project also proposes a 1,538 square foot attached garage that will provide eight covered parking spaces using mechanical parking stackers, and includes new landscaping, and 20 cubic yards of cut and fill grading to be balanced on site. The eight units on the property will have an average unit size of 660 square feet, and the proposed density will be 37 dwelling units per acre using the Priority Housing Overlay on a 9,375 square foot parcel with a General Plan Land Use Designation of High Density Residential 28-36 dwelling units per acre. The total residential floor area is 4,791 square feet. The project includes Staff Hearing Officer review for requested Zoning Modifications to allow a second-floor deck to encroach into the interior setback and for a common open yard area that does not meet minimum 20' x 20' dimensions.)

(A. Review of the Phase 2 of Historic Structures/Sites Report prepared by Post/Hazeltine Associates. The report concluded that the impacts from the proposed project at 333 West Ortega Street to significant historic resources on and adjacent to the project parcel and nearby historic resources in the proposed Castillo Street Historic District are Less than Significant (Class III). After implementation of the proposed project, the property at 333 West Ortega Street would maintain its eligibility for listing as a contributor to the proposed Castillo Street Historic District.)

(B. Third Concept Review. Comments Only. Project requires review by the Staff Hearing Officer. Project was last reviewed May 3, 2017.)

Actual time: 3:51 p.m.

Present: Tracy Burnell, Architect; and Pamela Post and Tim Hazeltine, Historians, Post/Hazeltine Associates

Staff comments:

1. Ms. Plummer requested comments on the requested modifications.
2. Ms. Hernandez stated that she agrees with the conclusions of the report that the project meets CEQA Guidelines.

Public comment opened at 4:00 p.m.

Kellam de Forest expressed concern about the additions affecting the historic streetscape and the stonework.

Public comment closed at 4:00 p.m.

Motion: **Accept the report as submitted.**

Action: Drury/Mahan, 5/0/1. (Hausz abstained. Grumbine and Veyna absent.) Motion carried.

Motion: **Continued indefinitely to the Staff Hearing Officer with comments:**

1. The Commission continued to find this an exemplary project and an appropriate addition to the historic resource.
2. The Commission found the proposal compatible with the neighborhood.
3. The Commission supported the modifications for the encroachment of the second-floor deck and the open space, particularly as generous open space is provided on the site.
4. The proposed stone wall shall emulate the historic stonework; work with the historians on appropriate detail in that emulation.

Action: Mahan/Suding, 5/0/1. (Hausz abstained. Grumbine and Veyna absent.) Motion carried.